

Exhibit A

Form I-851 (Notice of Intent to Issue a Final
Administrative Removal Order, signed 11/2/05)



Notice of Intent to Issue a Final Administrative Removal Order

In removal proceedings under section 238(b) of the Immigration and Nationality Act

File Number: A90 825 759

To: FAJARDO, Juan Carlos Hernandez AKA: Juan Fajardo

Address: Calipatria State Prison, 7018 Blair Road, Calipatria, California. 92233
(Number, Street, City, State and ZIP Code)

Telephone: (760) 348-7000

(Area Code and Phone Number)

Pursuant to section 238(b) of the Immigration and Nationality Act (Act) as amended, 8 USC 1228(b), the Department of Homeland Security (Department) has determined that you are amenable to expedited administrative removal proceedings. The determination is based upon the following allegations:

1. You are not a citizen or national of the United States.
2. You are a native of Mexico and citizen of Mexico.
3. You entered the United States (at)(near) Nogales, Arizona on or about 9/1/2004.
4. At that time, you entered without inspection.
5. You are not lawfully admitted for permanent residence.
6. You were, on 11/9/2004, convicted in the Superior Court of California, County of San Diego, for the offense of Corporal Injury to Spouse in violation of Section 273.5(a) of the California Penal Code; for that offense the term of imprisonment imposed was 2 years.

Charge:

You are deportable under Section 237(a)(2)(A)(iii) of the Act, 8 USC 1227(a)(2)(A)(iii), as amended, because you have been convicted of an aggravated felony as defined in Section 101(a)(43)(F) of the Act, 8 USC 1101(a)(43)(F).

Based upon section 238(b) of the Act, the Department is serving upon you this NOTICE OF INTENT TO ISSUE A FINAL ADMINISTRATIVE REMOVAL ORDER ("Notice of Intent") without a hearing before an Immigration Judge.

Your Rights and Responsibilities

You may be represented (at no expense to the United States government) by counsel, authorized to practice in this proceeding. If you wish legal advice and cannot afford it, you may contact legal counsel from the list of available free legal services provided to you.

You must respond to the above charges in writing to the Department address provided below within 10 calendar days of service of this notice (or 13 calendar days if service is by mail). **The Department must RECEIVE your response within that time period.**

In your response you may: request, for good cause, an extension of time; rebut the charges stated above (with supporting evidence); request an opportunity to review the government's evidence; admit deportability; designate the country to which you choose to be removed in the event that a final order of removal is issued (which designation the Department will honor only to the extent permitted under section 241 of the Act, 8 U.S.C. 1231); and/or, if you fear persecution in any specific country or countries on account of race, religion, nationality, membership in a particular social group, or political opinion or, if you fear torture in any specific country or countries, you may request withholding of removal under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), or withholding/deferral of removal under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention Against Torture). A grant of withholding or deferral of removal would prohibit your return to a country or countries where you would be persecuted or tortured, but would not prevent your removal to a safe third country.

You have the right to remain in the United States for 14 calendar days so that you may file for review of this order to the appropriate U.S. Circuit Court of Appeals as provided for in section 242 of the Act, 8 U.S.C. 1252. You may waive your right to remain in the United States for this 14-day period. If you do not file a petition for review within this 14-day period, you will still be allowed to file a petition from outside of the United States so long as that petition is filed with the appropriate U.S. Circuit Court of Appeals within 30 calendar days of the date of your final order of removal.

L. Tanori-Amarillas
SDDO

(Signature and Title of Issuing Officer)

Calipatria, California
(City and State of Issuance)

0700 10/31/05
(Date and Time)

Certificate of Service

This Notice of Intent I have determined that the person served with this document is the individual named on the other side of the form.

Jack R. McCormack
(Signature and Title of Officer)

11-2-05
(Date and Manner of Service)

☐ I explained and/or served this Notice of Intent to the alien in the _____ English _____ Spanish _____ language.

(Name of Interpreter)

(Signature of Interpreter)

Location/Employer: Calipatria State Prison, 7018 Blair Road, Calipatria, California 92233.

I Acknowledge that I Have Received this Notice of Intent to Issue a Final Administrative Removal Order.

Juan Fajardo
(Signature of Respondent)

11-2-05 0950 AM
(Date and Time)

☐ Alien refused to acknowledge receipt of this document.

(Signature and Title of Officer)

(Date and Time)

☐ I Wish to Contest and/or to Request Withholding of Removal

☐ I contest my deportability because: (Attach any supporting documentation):

- ☐ I am a citizen or national of the United States.
- ☐ I am a lawful permanent resident of the United States.
- ☐ I was not convicted for the criminal offense described in allegation number 6 above.
- ☐ I am attaching documents in support of my rebuttal and request for further review.

☐ I request withholding or deferral of removal to _____ [Name of Country or Countries]:

☐ Under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), because I fear persecution on account of my race, religion, nationality, membership in a particular social group, or political opinion in that country or those countries.

☐ Under the Convention against Torture, because I fear torture in that country or those countries.

(Signature of Respondent)

(Printed Name of Respondent)

(Date and Time)

☒ I Do Not Wish to Contest and/or to Request Withholding of Removal

☒ I admit the allegations and charge in the Notice of Intent. I admit that I am deportable and acknowledge that I am not eligible for any form of relief from removal. I waive my right to rebut and contest the above charges. I do not wish to request withholding or deferral of removal. I wish to be removed to:

Mexico

☒ I understand that I have the right to remain in the United States for 14 calendar days in order to apply for judicial review. I do not wish this opportunity. I waive this right.

Juan Fajardo
(Signature of Respondent)

Fajardo, Juan Carlos
(Printed Name of Respondent)

11-2-05 0950 AM
(Date and Time)

Jack R. McCormack
(Signature of Witness)

Jack R. McCormack
(Printed Name of Witness)

11-2-05 0950 AM
(Date and Time)

RETURN THIS FORM TO:
Department of Homeland Security
Calipatria State Prison
7018 Blair Road
Calipatria, California 92233

ATTENTION:

The Department office at the above address must RECEIVE your response within 10 calendar days from the date of service of this notice of Intent (13 calendar days if service is by mail).

Exhibit B

Form I-851A (Final Administrative Removal Order,
dated 11/3/05 and served 11/4/05)



Final Administrative Removal Order

In removal proceedings under section 238(b) of the Immigration and Nationality Act

File Number: A90 825 759

Date: 10/20/2005

To: FAJARDO, Juan Carlos Hernandez AKA: Juan Fajardo

Address: Calipatria State Prison, 7018 Blair Road, Calipatria, California. 92233
(Number, Street, City, State and ZIP Code)

Telephone: (760) 348-7000
(Area Code and Phone Number)

ORDER

Based upon the allegations set forth in the Notice of Intent to Issue a Final Administrative Removal Order and evidence contained in the administrative record, I, the undersigned Deciding Service Officer of the Department of Homeland Security, make the following findings of fact and conclusions of law. I find that you are not a citizen or national of the United States and that you were not lawfully admitted for permanent residence. I further find that you have a final conviction for an aggravated felony as defined by Section 101(a)(43)(F) of the Act, as amended 8 USC 1101(a)(43)(F) and are ineligible for any relief from removal that the Secretary of Homeland Security, may grant in an exercise of discretion. I further find that the administrative record established by clear, convincing, and unequivocal evidence that you are deportable as an alien convicted of an aggravated felony pursuant to Section 237(a)(2)(A)(iii) of the Act, 8 USC 1227(a)(2)(A)(iii). By the power and authority vested in the Secretary of Homeland Security, and in me as the Secretary's delegate under the laws of the United States, I find you deportable as charged, and order that you be removed from the United States to:

Mexico
or to any alternate country prescribed by section 241 of the Act.

(Signature of Authorized Official)

Johnny N. Williams

Supervisory Detention and Deportation Officer

(Title of official)

EJ Centro, California 92243

(Date and office location)

Certificate of Service

I served this FINAL ADMINISTRATIVE REMOVAL ORDER upon the above-named individual.

NOV 4 2005

Calipatria State Prison, 7018 Blair Road, Calipatria, CA 92233
(Date, time, place and manner of service)

Personal Service

Immigration Enforcement Agent
(Signature and title of officer)

Form I-851A (Rev. 10/03) N

Exhibit C

Form I-205 (Executed Warrant of Removal,
dated 11/14/05)

File No: A90 825 759

Date: NOV 13 2005

To any officer of the United States Immigration and Customs Enforcement:

FAJARDO, Juan Carlos Hernandez

(Full name of alien)

who entered the United States at Nogales, Arizona on 9/1/2004
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, base upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☒ a district director or a district director's designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate court Judge

and pursuant to the following provisions of the Immigration and Nationality Act;

237(a)(2)(A)(iii) of the Immigration and Nationality Act, as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(F) of the Act.

I, the undersigned officer of the United States by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of: Appropriations, "Salaries & Expenses" Immigration and Naturalization Service, 1997 including the expense of an attendant, if necessary

12374195



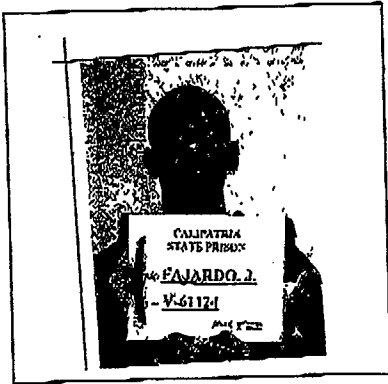
Ronald J. Smith
(Signature of INS official)

Field Director
(Title of INS official)

San Diego, California
(City and State)

To be completed by Service officer executing the warrant:
Name of alien being removed FAJARDO, Juan Carlos Hernandez.

Port, date, and manner of removal: Calexico POE, NOV 14 2005, VIA AFO
(Date)



Photograph of alien removed



Right index fingerprint of alien removed

[Signature]
(Signature of alien being fingerprinted)

[Signature] IEA
(Signature and title of INS official taking print)

Departure witnessed by: [Signature] IEA 883
(Signature and title of INS official)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here ☐

Departure Verified by: _____
(Signature and title of INS official)

Exhibit D

Conviction Documents
(for Cal. Penal Code § 273.5(a) Conviction
that was incurred on 11/9/04)

COPY
IN CUSTODYSUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
SOUTH COUNTY DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

JUAN CARLOS FAJARDO, *-T/N**dob 10/28/76, Booking No. 04148689A;*

Defendant

CT No. CS189096

DA No. BAP537

DOMESTIC VIOLENCE

COMPLAINT-FELONY

INFORMATION

Date: _____

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC273.5(a) FAJARDO, JUAN CARLOS	Felony	2-4-5	PC273.5(e)	
2	PC273.6(a) FAJARDO, JUAN CARLOS	Felony	16-2-3	PC273.6(d)	

PC1054.3

INFORMAL REQUEST FOR DISCOVERY

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

COPY

CHARGES

COUNT 1 - CORPORAL INJURY TO SPOUSE AND/OR ROOMMATE, REPEAT OFFENDER, DOMESTIC VIOLENCE

On or about October 29, 2004, JUAN CARLOS FAJARDO did willfully and unlawfully inflict a corporal injury resulting in a traumatic condition upon Maria Sahagun Fajardo, who was then and there the spouse of the defendant, in violation of PENAL CODE SECTION 273.5(a).

And it is further alleged that within seven years of the commission and attempted commission of the above offense, the said defendant JUAN CARLOS FAJARDO, was previously convicted of a violation of PC273.5, case No. SCN171464 within the meaning of PENAL CODE SECTION 273.5(e).

COUNT 2 - DISOBEYING COURT ORDER, PRIOR

On or about October 29, 2004, JUAN CARLOS FAJARDO did willfully, unlawfully and knowingly violate a court order obtained to prevent domestic violence and disturbance of the peace, in violation of PENAL CODE SECTION 273.6(a).

And it is further alleged that within seven years of the commission of the above offense, involving an act of violence and a credible threat of violence, said defendant was previously convicted of a violation of Penal Code section 273.6(a), within the meaning of PENAL CODE SECTION 273.6(d).

PRIORS

JUAN CARLOS FAJARDO:

PROBATION DENIAL PRIORS

And it is further alleged that said defendant, JUAN CARLOS FAJARDO, was previously convicted twice or more in this state of a felony, and in any other place of a public offense which if committed in this state would be punished as a felony, within the meaning of PENAL CODE SECTION 1203(e)(4).

Charge	Date of Conviction	Court Number	Court	County	State
PC496(A)	12/17/1996	SCN053527	Superior Court	San Diego	CA
HS11377(A)	10/10/2002	SCN151756	Superior Court	San Diego	CA
PC273.5(A)	12/30/2003	SCN171464	Superior Court	San Diego	CA

COPY

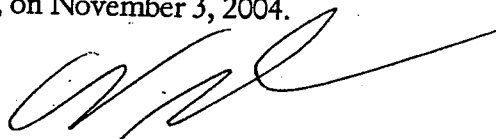
NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

The People reserve the right to amend the accusatory pleading to further allege any and all facts in aggravation in light of *Blakely v. Washington* (6/24/2004) ___ U.S. ___ [124 S.Ct. 2531, 2004 WL 1402697].

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CS189096, CONSISTS OF 2 COUNTS.

Executed at Chula Vista, County of San Diego, State of California, on November 3, 2004.



COMPLAINANT

INFORMATION

BONNIE M. DUMANIS
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney

I CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF COURT CERTIFIED
DOCUMENT(S) ON FILE WITH THE
CALIFORNIA DEPARTMENT OF CORRECTIONS
Page 03 of 03, 02/08/2005
U.S. IMMIGRATION OFFICER

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE

[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

CR-290

<input checked="" type="checkbox"/> SUPERIOR <input type="checkbox"/> MUNICIPAL	COURT OF CALIFORNIA, COUNTY OF SAN DIEGO BRANCH OR JUDICIAL DISTRICT SOUTH COUNTY		
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: JUAN FAJARDO		DOB: 10-28-76	SCS189096 -A
AKA:			SCN151756 -B
CII#: 10995220			SCN171464 -C
BOOKING #: 04148689		<input type="checkbox"/> NOT PRESENT	
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<input type="checkbox"/> AMENDED ABSTRACT	-D
DATE OF HEARING 11-30-04	DEPT. NO. 16	JUDGE JEFFREY F. FRASER	
CLERK C. SARNO	REPORTER J. DAMRON	PROBATION NO. OR PROBATION OFFICER 781498	
COUNSEL FOR PEOPLE E. CAMARENA		COUNSEL FOR DEFENDANT R. ARAGON <input checked="" type="checkbox"/> APPTD.	

1. Defendant was convicted of the commission of the following felonies:

☐ Additional counts are listed on attachment
 (number of pages attached)

CNT.	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L, M, U)	CONCURRENT	CONSECUTIVE 1/3 VIOLENT	CONSECUTIVE 1/3 NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (See CR-292)	64 DAY STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA								YRS.	MOS.
1A	PC	273.5(A)	CORPORAL INJURY TO SPOUSE	2004	11-09-04			X	L							2	0
1B	HS	11377(A)	POSS. OF A CONTROLLED SUB	2002	10-12-02			X	M	X						{2}	{0}
1C	PC	273.5(A)	CORPORAL INJURY TO SPOUSE	2003	01-29-04			X	L	X						{2}	{0}
					-												
					-												
					-												

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTION OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

4. ☐ Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).

5. INCOMPLETED SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES: **2** **0**

7. ☐ Additional Indeterminate Term (See CR-292).

8. TOTAL TIME: **2** **0**

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

(Continued on reverse)

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE

[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT: **JUAN FAJARDO**

SCS189096

-A

SCN151756

-B

SCN171464

-C

-D

9. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

- a. RESTITUTION FINE of: **\$1,000** per PC 1202.4(b) forthwith per PC 2085.5.
- b. RESTITUTION FINE of: **\$1,000** per PC 1202.45 suspended unless parole is revoked.
- c. RESTITUTION of: \$_____ per PC 1202.4(f) to ☐ victim(s)* ☐ Restitution Fund
 (*List victim name(s) if known and amount breakdown in item 11, below.)
 (1) ☐ Amount to be determined.
 (2) ☐ Interest rate of: ____% (not to exceed 10% per PC 1202.4(f)(3)(F)).
- d. ☐ LAB FEE of: \$_____ for counts: _____ per H&SC 11372.5(a).
- e. ☐ DRUG PROGRAM FEE of \$150 per H&SC 11372.7(a).
- f. ☐ FINE of \$_____ per PC 1202.5.

10. TESTING

- a. ☐ AIDS pursuant to ☐ PC 1202.1 ☐ other (specify):
- b. ☐ DNA pursuant to ☐ PC 290.2 ☐ other (specify):

11. Other orders (specify):

\$20.00 COURT SECURITY FEE IMPOSED.

12. Execution of sentence imposed

- a. ☒ at initial sentencing hearing. **A**
- b. ☐ at resentencing per decision on appeal.
- c. ☒ after revocation of probation. **B,C**
- d. ☐ at resentencing per recall of commitment. (PC 1170(d).)
- e. ☐ other (specify):

13. CREDIT FOR TIME SERVED

CASE NUMBER	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
SCS189096 -A	45	31	<input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
SCN151756 -B	392	262	<input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
SCN171464 -C	289	193	<input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
-D			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
DATE SENTENCE PRONOUNCED: - -	SERVED TIME IN STATE INSTITUTION: <input type="checkbox"/> DMH <input type="checkbox"/> CDC <input type="checkbox"/> CRC		

14. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to ☒ the reception center designated by the director of the California Department of Corrections
☐ other (specify): _____

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

T. GARCIA

DATE

12-07-04